

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID PARDUE

PLAINTIFF

v.

No. 05-5004

SGT GLASS, et al.

DEFENDANTS

J U D G M E N T

Now on this 29th day of January, 2008, comes on for consideration the Report and Recommendation filed herein by the Honorable James R. Marchewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 83.) Plaintiff has filed written objections to the Report and Recommendation. (Docs. 91.)

The Court has reviewed this case *de novo* and, being well and sufficiently advised, finds that the plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should be, and it hereby is, adopted *in toto*.

Accordingly, the Court hereby orders as follows:

* Sheriff Tim Helder, the current Sheriff of Washington County, is substituted as a defendant (in his official capacity only) in place of former Sheriff Steve Whitmill.

* Judgment is hereby entered in plaintiff's favor and against Sergeant Emily Glass Augustine and Sheriff Tim Helder in his official capacity on plaintiff's claim that he was confined in the restraint chair for over thirteen hours. Plaintiff is hereby awarded compensatory damages in the amount of \$1,500.00. This

amount shall bear interest from the date of this order until paid at the current post-judgment interest rate of 2.83% per annum.

* Plaintiff's remaining claims against the remaining defendants are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED AND ADJUDGED.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE